

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

MATTHEW MUCKEY,

Plaintiff,

v.

THE PHILHARMONIC-SYMPHONY
SOCIETY OF NEW YORK, INC., AND
ASSOCIATED MUSICIANS OF GREATER
NEW YORK, LOCAL 802, AMERICAN
FEDERATION OF MUSICIANS,

Defendants.

Case No. 24-cv-03348-AS

[rel. 1:24-cv-03356-AS, 1:24-cv-03987-AS]

ORAL ARGUMENT REQUESTED

**DECLARATION OF ASHLEY R. LYNAM IN SUPPORT OF
THE PHILHARMONIC-SYMPHONY SOCIETY OF NEW YORK, INC.'S
MOTION TO DISMISS PLAINTIFF'S AMENDED COMPLAINT**

I, Ashley R. Lynam, declare as follows:

1. I am a partner at the law firm Morgan, Lewis & Bockius LLP and have been retained to represent The Philharmonic-Symphony Society of New York, Inc. ("Society") in connection with the above captioned matter. I am familiar with the facts set forth herein and submit this declaration in support of the Society's Motion to Dismiss Plaintiff's Amended Complaint.

2. Attached hereto as Exhibit A is the Society's Chart Identifying Elements Not Plausibly Alleged in Plaintiff's Complaint pursuant to Section 8(G)(i) of the Judge's Individual Practices in Civil Cases.

3. Attached hereto as Exhibit B is a true and correct copy of the article titled, "A Hidden Sexual-Assault Scandal at the New York Philharmonic: Two Musicians Were Fired for Sexual Misconduct. Why Were They Allowed Back in the Orchestra?," which was published in *Vulture*, an entertainment-and-culture outlet of *New York* magazine on April 12, 2024, and is

referenced in the Amended Complaint (ECF 85) at ¶¶ 52–54, 63, 82. This article is also available at <https://www.vulture.com/article/new-york-philharmonic-sexual-assault-scandal.html>.

4. Attached hereto as Exhibit C is a true and correct copy of the Trade Agreement between the Society and the Associated Musicians of Greater New York, Local 802, American Federation of Musicians (“Union”), effective September 21, 2020 through September 20, 2024, which is referenced in the Amended Complaint as the “CBA” at ¶¶ 6, 17, 146, 237–42, 246–47, 251–52, 260–264.

5. Attached hereto as Exhibit D is a true and correct copy of the “Unanimous Decision of the Executive Board of Associated Musicians of Greater New York, Local 802, AFM, on the Philharmonic Symphony Society of New York’s Non-Reengagement of Liang Wang and Matthew Muckey,” dated November 4, 2024, which is referenced in the Amended Complaint at ¶¶ 196–98, 199–204, 207, 210.

6. Attached hereto as Exhibit E is a true and correct copy of the individual agreement entered into between Plaintiff Matthew Muckey and the Society covering the 2023–24 season, which is referenced in the Amended Complaint at ¶¶ 19–20.

7. Attached hereto as Exhibit F is a true and correct copy of the Summary of Findings and Conclusions from Workplace Investigation of Matthew Muckey, prepared by Levy Employment Law, LLC, which is referenced in the Amended Complaint at ¶¶ 148, 150–52, 154–186, 192, 288. Muckey refers to this document in the Amended Complaint as the “Executive Summary.” *See* ECF 85 ¶ 148.

8. Attached hereto as Exhibit G is a true and correct copy of the webpage on the Society’s website providing details regarding the workplace investigation conducted by Tracey Levy, available at <https://web.archive.org/web/20240614023709/https://www.nyphil.org/about->

us/general-information/workplace-investigation/, which is referenced in the Amended Complaint at ¶ 96.

I declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the foregoing is true and correct.

Dated: Philadelphia, Pennsylvania
June 9, 2025

/s/ Ashley R. Lynam
Ashley R. Lynam (NY Bar No. 5701404)
(admitted *pro hac vice*)
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